



MEETING MINUTE SUMMARY

SALT LAKE COUNTY PLANNING COMMISSION MEETING

Wednesday, September 15, 2021 8:30 a.m.

****Meeting minutes approved on November 10, 2021****

Approximate meeting length: 2 hours 18 minutes

Number of public in attendance: 23

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Collard

***NOTE:** Staff Reports referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
Neil Cohen	x	x	
Ronald Vance	x	x	
Mark Elieson	x	x	
Christopher Collard (Chair)	x	x	
Sara Hiatt (Vice Chair)	x	x	
Jeff Watkins	x	x	
Ofa Matagi			x

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Jim Nakamura	x	x
Kayla Mauldin	x	
Jim McNulty	x	x
Jake Young	x	x
Dina Blaes		
Zach Shaw (DA)	x	x

BUSINESS MEETING

Meeting began at – 8:31 a.m.

Commissioner Collard read the Chairs Opening Statement.

- 1) Approval of the May 12, 2021 Planning Commission Meeting Minutes. (Motion/Voting)

Motion: To approve the May 12, 2021 Planning Commission Meeting Minutes as presented.

Motion by: Commissioner Vance

2nd by: Commissioner Hiatt

Vote: Commissioners voted unanimous in favor (of commissioners present)

Approval of the August 11, 2021 Planning Commission Meeting Minutes. (Motion/Voting)

Motion: To approve the August 11, 2021 Planning Commission Meeting Minutes as presented.

Motion by: Commissioner Vance

2nd by: Commissioner Hiatt

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 2) Recommendation to the County Council to Approve the General Plan Scope of Work within the Unincorporated Area of Sandy Hills. **Planner:** Kayla Mauldin (Motion/Voting)

Ms. Mauldin provided a presentation focused on the Scope of Work.

Commissioners and staff had a brief discussion regarding affordable housing, resilience and infrastructure, aging population, maintenance of properties, economic development, and community council involvement.

Motion: To recommend approval to the County Council the General Plan Scope of Work within the Unincorporated Area of Sandy Hills as presented.

Motion by: Commissioner Cohen

2nd by: Commissioner Elieson

Vote: Commissioners voted unanimous in favor (of commissioners present)

PUBLIC HEARING(S)

Hearings began at – 8:56 a.m.

(Continued from May 12, June 16, July 14, and August 11, 2021) - An ordinance amending the following sections of the Salt Lake County Code of Ordinances, 2001: 19.12.020 (permitted uses in the FR zone), 19.12.030(g) (conditional uses in the FR zone), and 19.54.020 (permitted uses in the FA zone) to have uniform regulations in the FR and FA zones with regards to animal uses and their associated impacts on adjoining properties, the environment, and the well-being of animals; and making other related changes.

Presenter: Zach Shaw (Motion/Voting)

The Planning Commissions will act on the proposed ordinance amendments after taking comments from the public during their respective public hearings. Public comments will be provided pursuant to the planning commissions' rules of conduct. Public comments will be limited to three minutes per person. The public is also invited to review and inspect the proposed ordinances at <https://www.utah.gov/pmn/index.html> under the respective Planning Commissions' agendas.

Greater Salt Lake Municipal Services District Planning Manager Jim McNulty provided feedback on the citizen comments and analysis of the staff report. Watershed Manager Robert Thompson and Salt Lake County Counsel Zach Shaw provided an analysis of remnants and e. coli sources, and Mountain Planning Commission recommendations, respectively.

Commissioner Watkins motioned to open the public hearing, Commissioner Cohen seconded that motion.

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Citizen

Name: Carolyn Nielsen

Address: 8032 West Canyon Road

Comments: Ms. Nielsen expressed concern about the assumption of horse contaminants. Contaminants could be things not testing for, such as neighbors hosing down properties with pesticides. She read a statement she created (not provided) regarding complainants, loss of greenbelt, equestrian use, and requesting that the commission vote no on the zoning ordinance update.

Speaker # 2: Citizen

Name: David Winters

Address: 15495 South Rose Canyon Road

Comments: Mr. Winters read the email he submitted for the record. I'm asking again you to vote, "**NO**", on the proposed FR/FA ordinance amendment. I have been a property owner in the affected area for over

30 years. I have a background working in law enforcement and planning and zoning for County and City governments, for over 33 years. I am asking for your **“NO”** vote for a number of reasons.

1. Current and existing FR/FA zoning is more than adequate in addressing land use issues, and potential violations, in the affected areas. Code Enforcement of potential nuisance violations has been an effective tool used to address those issues in the past. Code Enforcement should continue to be used to address *specific, individual* potential violations. There is no need for onerous, overburdensome, over broad restrictions placed on a small group of property owners.

2. Staff is miss defining the term, “Permitted Use”, in the current FA zoning. Current County ordinance (19.04.415) defines permitted use as, **“...Land for which NO conditional use permit is required.”** Staff has repeatedly stated that current property owners, in the FA zone, must apply for a “Permit” in order to exercise their” permitted use”. Reviewing the County Planning and Zoning website, **there is no Fee schedule for a “permitted use” application. There is NO listing for a “Permitted Use” permit. No “permitted use permit” exists**, as per County Planning and Zoning website. Staff is in error, instructing property owners to comply with “Conditional Use” requirements that do not exist in the current FA zoning (19.54.020).

3. Water Contamination study is flawed. Staff responded to public input in the August meeting, by referencing a water study from “Montana”, in a Montana waterway, which indicated a high level of e-coli sourced from “ruminates”. Staff did not reference a local study pertaining to Rose Creek. In staff’s most recent reply to public comment, reference is made to water studies of Rose Creek. Where is the data collection information and test result reports? Why isn’t that data included in staff’s response? If water quality and equine contamination are the issue, why not provide documentation? Staff makes reference to Rose Creek, as an EPA “Impaired waterway”. I have reviewed the EPA website listing of 303(d) impaired waterways, within Salt Lake County. No reference to Rose Creek is found. However, the Jordan River is listed, as an impaired waterway. Staff references the high contamination of water samples taken at Loomis Parkway, “near the confluence of the Jordan River”. **Rose Creek goes under ground at approx. 7000 West, runs 14 miles east to the Jordan River (approx. 700 West), through 3 different municipalities with total populations over 155,000 people.** A small number of horse owners and a handful of horses 14 miles away cannot be construed, with any reasonableness, to contribute to the high readings described.

4. Public comment, at past hearings on this proposal, have been overwhelmingly against this proposed ordinance amendment. Public comment, from those directly affected and others, continues to be against this proposed amendment. For these reasons, and others, I ask that you vote **“NO”** on these proposed amendments to the FA/FR zoning. Leave the FA/FR zoning as it currently exists. Property owners purchased property within these zones for a reason. The proposed amendments would create a burdensome, unnecessary, over regulation of the property owners. Please vote, **“NO”**. Thank you

Speaker # 3: Attorney for Jean Crane

Name: Quinn Sperry

Address: 10757 South River Front Parkway, Suite 110. South Jordan

Comments: Mr. Sperry summarized his written letter, including that Jean Crane is against changing FR zone to permit trail riding operations, and is in favor of limiting horses to a per usable acreage number.

Speaker # 4: Citizen

Name: Kim Zacherson

Address: 14594 South Rose Canyon Road

Comments: Ms. Zacherson said that questions in chat were unanswered, and she was opposed to changes.

Speaker # 5: Citizen

Name: Bob Messmer

Address: 8106 West Country View Lane

Comments: Mr. Messmer said he was opposed to the changes.

Speaker # 6: Citizen

Name: Nissa Farley

Address: 8176 West Dry Canyon Circle

Comments: Ms. Farley read the email she submitted for the record. I will start by saying I am against the proposal as it currently stands. Throughout the description of the problem, you read phrases like "creates the potential of hostility between neighbors.", "Continued disputes over commercial animal uses", and "further heightening tension between incompatible commercial and residential uses." Of almost 500 lots in FR/FA zones, the number of people causing the disputes, tension, and hostility can literally be counted on one hand. That's less than 1% of lots in these zones. FR/FA lots are almost exclusively in Hi Country 1 and High Country 2. Both of these communities have HOA boards in place to manage these types of complaints. It is not necessary nor prudent for the county to step in to try to manage HOA politics by passing overly restrictive county ordinances. Repeated complaints to the MSD from the same few people about one single resident boarding horses in Hi Country Phase 1 is what started this entire mess. As a result, you can see how strongly this ordinance is worded against "boarding" and commercial use in particular. No one is asking to run large-scale commercial operations in these zones. Residents are asking to run small home-based businesses which is totally reasonable in these areas. If this ordinance passes, unincorporated county residents will be restricted to "personal use" of animals. Period. Residents will not even be able to board a horse for a neighbor let alone exchange money for the sale of a colt, offer riding lessons in their arena, board a small number of horses for profit, or offer stud service. It appears the MSD has deliberately withheld the fact that current HOA rules in Hi Country Phase 1 are what has kept the number of animal-based businesses low in the FR Zone, not a lack of desire from residents to operate such businesses. County ordinances should not be justified by HOA rules that could change in the future. Small home-based businesses that offer boarding, breeding, trail riding, and riding lessons are all feasible activities that could be done within an agricultural or forest recreation zone without changing the nature of the zone. Ask yourself what basis other than 'resident disputes' has actually been given for restricting all non-personal use of animals in FR/FA zones. At a minimum "Commercial Use" should be managed by a Conditional Use permit and approved based on size/scale as is currently the case in FR zone. Rather than completely restricting commercial use in FR zone, the county could opt to go for less restrictive commercial uses in the FA zone to avoid patchwork zoning if that's a true concern. Eliminating all non-personal use of animals is not the only solution. Hi-Country 1 and Hi-Country 2 are some of the only horse-friendly areas left in the county. I feel this ordinance is punitive toward horse owners. Please help preserve the horse-legacy Salt Lake County was founded on by voting against this proposal as currently written. Thank you.

Speaker # 7: Citizen

Name: Patricia Stanko

Address: 15145 South Rose Canyon Road

Comments: Ms. Stanko disagrees that she was given ample time to apply for a permit, and that the letter received on August 18, 2020 only applies to properties in FR zone, she is FA. Agrees with Dave Winters. Horses provide a lot of joy and relief to people. People with physical and mental disabilities receive therapy from the horses. Therapy and owners are elderly, overwhelming majority of people, horse and non-horse owners are opposed to the proposal.

Speaker # 8: Citizen

Name: Randy Crane

Address: 13682 South Mt Shaggy Drive

Comments: Mr. Crane said commercial uses limited to home businesses and should not be allowed outside the home. Commercial recreation in FR is limited to batting cages and golf driving ranges within people's property. Significant problem in enforcing rules. Last year complaints submitted to the County on the trail

riding, county has not enforced the ordinance and instead want to change the ordinance. Inappropriate by the county. Any ordinance presented, need to ask why, and justify the change and answer in detail and what it effects.

Speaker # 9: Citizen and VP of Hi-Country II HOA

Name: Kathryn Fuller

Address: 15467 South Rose Canyon Road

Comments: Ms. Fuller stated she started a petition and provided portions of a manure article. Horse manure is a solid waste excluded from federal regulation because it neither contains significant amounts of listed hazardous components, nor exhibits hazardous properties. She tested the stream with Chemtech-Ford Laboratories, obtained samples at young fork trailhead, one from her house, and at 7000 where it goes underground. The report showed that the source of contamination is from above Hi-Country, likely from wildlife. She noted this area is not a protected watershed. Encourage commission to vote no.

Speaker # 10: Citizen

Name: Michael Cole

Address: 7973 West Country View Lane

Comments: Mr. Cole said been there for a year now and built a home. Chose to get out of the city and enjoy country life. Possibly own animals of their own with enough acreage. Hearing complexity about county trying to solve a problem with these regulations, and hearing from friends and neighbors and commissioners, he asks commission to vote no on regulations.

Comments from the chat and emails, letters, and petition received after hours, and this morning read into the record:

Good morning Wendy,

I sincerely apologize for the late message. I will be unable to listen in to the meeting today, but would like to have the following statement read into the minutes if you please:

“My thanks again to the commission for taking the time to listen to community input on this subject. I don’t have much more to say on the matter beyond what’s already been shared, however I will ask this one thing: If the MSD planners would consider revising 19.12.030 (G). “Horses, and animals and fowl for family food production, as defined...” to “Equines, guardian animals as defined by DNR, and animals and fowl for family food production, as defined...”

I’m requesting “horses” be changed to “Equines” to allow for Donkeys and Mules, as well as “guardian animals,” defined by Utah DNR as Llamas and Alpacas. All of these animals are currently permitted by our adjacent municipalities.”

My sincerest thanks,

Marlon Beach

I have been a resident in HC Estates Phase I for 46 years. My husband and I have always had horses for our personal use. We respect our governing documents and support the fact that no commercial use of horses, stabling, breeding, and boarding and or trail riding for income is not allowed. A couple of residents have and are currently boarding horses inviting outside owners to come through our gates, travel our roads, ride our trails and roads as well as traveling across personal property. Please respect our HOA and Protective Covenants. We do not want Commercial Business in our community. We would like to see a limit of horses per acreage.

Not all land is user friendly for horses, or other farm and livestock animals.

*Thank you, JoAnn Rasmussen
Lot 53, Shaggy Mountain Road.*

Additional support (for) issue(s) within Jenkins, Bagley, Sperry letter. The letter cites insurance, or financial liability of any business accidents involving outside (HOA) clients would open the HOA to suits. Yes, however, it would also open individual property owners within the HOA to like suit. Thank you for your consideration in this matter. The Jenkins, Bagley, Sperry letter is superb.

As two residents of Hi Country Phase I, we consider the Quinn letter to be right on target. Part of the issue in Phase I is that the current BOD wants businesses. Since they do not represent most HOA members, they have spent a majority of their reign NOT enforcing our CC& R's. They claim we have no means of enforcement, However, if all HOA members would get a copy of the prior and still existing CC& R's, they would clearly understand we do. Since, the most recent CC & R,s failed to pass (which included businesses)the BOD still maintains (incorrectly), that we have No CC & R's . Such misinformation, is so much balderdash.

Hi Wendy, I plan on speaking at the Salt Lake County Planning meeting tomorrow. I will be quoting some information from a document "Does Horse Manure Pose A Significant Risk to Human Health". It can be found at www.bayquest.com/static/pdf/manure.pdf . It would be helpful if you could pass this information on to the commissioners, so they have a chance to look at it before the meeting. Thank you, Kathy Fuller

*Kathryn Fuller shared this petition with Planning Coordinator Wendy Gurr
If the proposed zoning amendments to FR/FA zones in the Hi-Country I&II HOA's are passed many people living in these areas will either have to sell their horses/animals, incur large expenses or move in order to continue the lifestyle they chose when buying the property they now live at. If this happens it will effect the value of everyone's property in this area. Please take the following actions: sign the petition and attend the Salt Lake County Planning Commission Public Hearing on Wednesday, September 15, 2021 at 8:30 a.m. You can attend the meeting online in Webex at <https://slco.webex.com/join/wgurr> (access code is 961 841 420) to voice your concerns.*

*Chats during the planning commission meeting
from Sheryl Cole to everyone: 9:05 AM
When was E. coli found in Rose Creek and at what level?*

*from Kim Z to everyone: 9:18 AM
Is that 4 horses per acre*

*from Sheryl Cole to everyone: 9:19 AM
Hi. I am a resident in the impacted area. What effect, if any, will the change to FA/FR zoning have on the greenbelt tax exemption?*

*from Terree Kay to everyone: 9:31 AM
Public comment: In the FR/FA I am concerned with the #6 and #8 on the proposal from the mountain planning comm "other provisions of the draft that are not in conflict "this seems vague and a catch all for what may be interpreted or included at a later date. Thank you.*

*from Kim Z to everyone: 9:35 AM
What is the deadline for animal permits?*

from Terree Kay to everyone: 9:52 AM

Trail riding considered as a business should also understand that there is a "reasonable expectation of a profit."

from Glenn Trendler to everyone: 10:00 AM

To be entered into the official record- from Glenn Trendler; 7858 W. Canyon Road (High Country Estates, phase 1). I am against the proposed zoning changes. Thank you.

from Terree Kay to everyone: 10:01 AM

To be entered into the official record-Terree Kay 8091 W Canyon Rd HCE1 I am against these proposed changes.

from Kim Z to everyone: 10:04 AM

For the record, I did not receive a notice. Neither did Bob Messmer.

from Nissa Farley to everyone: 10:13 AM

The petition has 225 residents opposed to the proposed ordinance.

from Nissa Farley to everyone: 10:22 AM

Thank you for including the petition, there are comments in the petition made by community residents if it's possible for them to be read as well.

Speaker # 11: Citizen

Name: Nissa Farley

Address: 8176 West Dry Canyon Circle

Comments: Ms. Farley read comments from the petition.

Rhonda Kitchen

I'm signing, all our kids and grandkids can actually see, touch, play, ride the animals. Grow lots of stuff to jar, it's almost like losing history, a lot of people enjoy their space, and having animals has its own special therapy, I grew up on a small farm, went sheep herding with my grandpa, best times ever, it helped make me who I am today, I have family up in Hi country, I pull trash, recycling and green cans up there I love it, let the people, animals, beauty be left alone

Matthew Stockebrand

This is God's country and this area was settled for the intent to have livestock etc. We should have every opportunity & right to have horses & livestock for why we bought our houses for. It's not our fault the valley is booming, and people are just stacking up houses wherever they can; why should WE THE PEOPLE suffer because of this?

Jake Magera

*I think it's wrong that Salt Lake County wants to get rid of horses, you got rid of the horse round up pens, in favor of a God-awful Mountain bike trail.... you say you're for the people and the community, ***** we are also part of this community as well!! We about lost south Jordan Equestrian Park and now we are having to fight to keep our own horses on our own property????!! It's absolute bull *****!!*

Marlon Beach

Listening to the county attorney and lead planner from the MSD continually steamroll the logical questions brought up by committee members makes me think there's something else behind this proposal. Why would the MSD work so hard to devalue our properties?

Molly Bohman

Our friends in the canyon keep my daughter's horse on their property. My daughter is able to go every day and work her horse. I don't know what we will do if they are no longer able to keep the horse there.

James Engle

Keep this property zoned as intended.

Krystal Brklacich

Stop changing everything!

Noah Wisden

*It pointlessly effects the lives of several people in my neighborhood, and while it may not effect me directly, it's a bunch of bull**** for the people it does. Take into account how this will effect others!*

Kim Mikesell

I am not for the new zoning

Terri Williams

I'm signing because we need to remain zoned agricultural, not recreational. The ordinance changes are for protected watershed. We are irrigation. The County is not hearing our concerns.

Commissioner Hiatt motioned to close the public hearing, Commissioner Elieson seconded that motion.

PUBLIC PORTION OF HEARING CLOSED

Commissioners had a brief discussion regarding ordinances as they are, and if there is a change, change to MPDPC recommendation or leave it as it stands, public input overwhelming to keep the two chapters FR and FA unchanged. Support for minor modifications, number of horses, and clean up language regarding protected watersheds.

Motion: To recommend denial to the County Council an ordinance amending the following sections of the Salt Lake County Code of Ordinances, 2001: 19.12.020 (permitted uses in the FR zone), 19.12.030(g) (conditional uses in the FR zone), and 19.54.020 (permitted uses in the FA zone) to have uniform regulations in the FR and FA zones with regards to animal uses and their associated impacts on adjoining properties, the environment, and the well-being of animals; and making other related changes with no change to FR and FA zones. Keep existing ordinances in place, with exemption if reconsidered at a different time, and come back with less restrictive provisions outlined.

Motion by: Commissioner Elieson

2nd by: Commissioner Vance

Vote: Commissioners voted unanimous in favor (of commissioners present)

BUSINESS MEETING (Cont.)

Meeting began at – 10:48 a.m.

- 3) Planning Commissioner discussion on Utah APA conference.

Motion: To continue the Planning Commissioner discussion on Utah APA conference to the October 13th Planning Commission Meeting.

Motion by: Commissioner Cohen

2nd by: Commissioner Vance

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 4) West General Plan discussion/update. **Planner:** Jake Young.

Motion: To continue the West General Plan discussion/update to the October 13th Planning Commission Meeting.

Motion by: Commissioner Cohen

2nd by: Commissioner Vance

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 5) Other Business Items. (As Needed)

No other business items to discuss.

Commissioner Collard adjourned.

MEETING ADJOURNED

Time Adjourned – 10:49 a.m.